

Maryland Aquaculture Coordinating Council
Minutes – May 10, 2012

Members Attending:

Craig Mask	Karl Roscher	Andy Lazur
Don Webster	Joanna Kille	Don Flax
Ben Parks	Captain Chip Vernon	Reggie Harrell
Erin Butler	Eric Backes (Senator Klausmeier's office)	
Matt Rowe		

Guests:

Steve Schneider, DNR	Jon Farrington, King Solomon Aquafarms
Rebecca Thur, DNR	Katie Busch, DNR
Kim Coulbourne, DHMH	Steve McHenry, MARBIDCO
Kathy Brohawn, MDE	Robert and Terry Witt, Leaseholders
Peter Bergstrom, NOAA	Mandy Burch, Shore Thing Shellfish
Brian Russell, Shore Thing Shellfish	
Kevin Boyle, Shore Thing Shellfish	Tal Petty, Hollywood Oyster Company
Kelton Clark, Morgan State University	John Devine, Barren Island Oysters
Johnny Shockley, Hoopers Island Oyster Company	
Melissa Boe, Oyster Recovery Partnership/Maryland Waterman's Association	
Jason Boe	Bill Cox
Chris Hall, Overall Services	Joan Pawloski, Overall Services
Eric Greenback, Overall Services	

Opening and Introduction

Chairman Flax opened the meeting at 6:30 pm and welcomed attendees. Minutes of the March 8, 2012 meeting were accepted without reading (Parks/Lazur). Chairman Flax reminded attendees that only members of the Council should be seated at the meeting tables. Members of the public are invited to sit elsewhere around the meeting room. There were no other announcements made.

DNR Fisheries Regulatory Scoping Process

Ms. Sarah Widman provided a handout detailing the Fisheries Service revised regulatory scoping process. Draft regulations will be posted on the draft regulatory web page. In addition notification will be sent via Facebook, Twitter and the Fisheries Service email interest list. A public meeting may be held depending on the nature of the regulatory change. Fisheries will continue to present ideas to the Fisheries Advisory Commissions and appropriate working groups and utilize input derived from these meetings in developing regulatory changes.

***Vibrio parahaemolyticus* Control Plan**

Ms. Brohawn informed the Council that Maryland is not currently required to develop a *Vibrio vulnificus* control plan because we have not had any reported illnesses. Virginia does have to have a control plan because they had 2 reported illnesses last year. Ms. Brohawn summarized the 2012 *Vibrio parahaemolyticus* control plan which requires that between June 1 and September 30 a shellfish aquaculture permittee or a registrant acting under that authority of the permittee is required to provide shade over product, maintain air flow, designate a single landing site and deliver all harvested oysters to a dealer by 10 am on the day of harvest. If the harvester who is also a dealer approved by DHMH to operate under a *Vibrio parahaemolyticus* Control Hazard Analysis Critical Control Point (HACCP) plan must comply with the requirements listed above and place oysters under temperature control within 5 hours of harvest and implement a SACCP plan that includes additional control measures to ensure proper temperature control and documentation.

Shellfish Aquaculture Update

Mr. Roscher provided council members with a summary of shellfish aquaculture permitting activities. Since September 2010 the Division has received 129 applications for leases. Forty two of those applications have resulted in an executed lease, 2 are close to being executed, 32 have been withdrawn, 59 are still in process and 5 are still incomplete. Of the applications currently in process, 64 of those have been submitted by Tidal Fish License (TFL) holders.

Lease Site Totals		Acreage Totals
129	Submitted since 9/7/10 (SLL+WC)	3007.162
28	Executed since 9/7/10 (SLL only)	1085.75
14	Executed since 9/7/10 (WC only)	59.36
42	All executed since 9/7/10	1145.11
2	Pending Execution (SLL+WC)	133.9
32	Terminated/Withdrawn	1268
59	Still in process since 9/7/10 (SLL+WC)	646
5	Incomplete	20.4
67	All submitted since 8/1/11	455.9804
39	Water Column submitted since 8/1/11	423.8904
8	Water Column executed since 7/1/11	21.38
7	In-water nursery (upweller) apps since 8/1/11	0.0268
	Subset of WC	
22	Sanctuary submitted since 8/1/11	155.2
0	Sanctuary executed since 8/1/11	0
31	Permitted by ACOE since 9/7/11	784.73

- Since our March Council meeting, the Department has received 13 lease applications, 1 for a 50 acre submerged land lease and 12 for water column leases. 4 of the water column applications are for floating upwellers. We have also fully executed another 10 leases. The total area of executed leases and leases very near to execution filed since September, 2010 is approximately 1,300 acres.
- Current shellfish aquaculture leases: 388 Submerged Land Leases – 4337 acres
25 Water Column Leases – 85 acres

Mr. Roscher informed the Council that the state does not currently have the statutory authority to permit upwellers in the water column. Applicants will have to seek a water column lease in order to participate in this activity.

The Department has received formal protests regarding 2 proposed leases in the Coastal Bays, Mr. John Apple, Bay Landing Shellfish and Mr. Don Marsh. There will be public information meetings about these leases in the coming months. The protest of the Schwenk lease was heard by the Office of Administrative Hearings on April 27th. The judge ruled in favor of the Department that the lease may be issued.

The Department will begin issuing Shellfish Aquaculture Harvester Permits at the end of this month. Chairman Flax asked about provisions for getting registration cards for employees hired to work on short notice. The current regulations do not allow for this type of permitting/registering of harvesters. The Department will be considering a regulatory change to accommodate this type of activity.

The Department is working to release a web based screening tool that will be available to potential applicants to help locate new projects.

Shellfish Aquaculture Financing Program

Mr. McHenry provided an update on the Shellfish Aquaculture Financing Program. He reported that MARBIDCO has executed loans for all but 5 projects. Mr. McHenry announced that there will be \$660,000 available in 2012 for seed and shell purchases and 5 applications totaling \$150,000 have been received. There would be about \$500,000 available for funding equipment purchases. There are \$30,000 remote setting loans available to TFL holders. During round 1 of this program 1 application was received. Applications for Round 2 of the Remote Setting Funding program are due May 24th. Chairman Flax asked if you have to have a lease in order to be eligible. Mr. McHenry noted that before applying for funding the applicant must first have applied for a lease. The lease does not have to be executed.

Oyster Aquaculture Training and Education Program

Mr. Webster announced that they just completed the Regional Spring Workshops that were held in Hughesville, Horn Point, Annapolis and Salisbury. In addition, they will be holding a Hatchery Short Course for 5 days in June. The course will consist of classes in the morning and field/hatchery experiences in the afternoon. This course is free for MD

and VA residents. A HACCP training course will be held on June 27th at the Wye Research Facility. Mr. Webster also indicated that they are planning an in water gear demonstration for sometime in the fall.

Remote Setting Training Program

Ms. Boe provided a summary of the Remote Setting Training program. An additional site has been added this year in the Nanticoke. There will be 6 locations this year with a total of 17 setting tanks available. Seventeen individuals have already signed up to utilize the facilities.

Aquaculture Size Limits/Water Column Lease Fees

Mr. Webster suggested that the Size Limit workgroup reconvene in the next 2 weeks to formulate a recommendation to provide to the Council. The Council could then vote via email. Mr. Roscher agreed to schedule a meeting with the workgroup members and any other interested council members in the next few weeks.

Mr. Webster provided a brief history of the lack of authority for the Department of Natural Resources to collect fees from water column applicants and annual rent from water column leaseholders. He suggested a \$300 application fee recognizing that while this does not cover the Department's advertising fees, that we should try to keep the fee low as the industry develops. An annual lease rent of \$25 was also suggested.

A motion (Webster/Lazur) was made to establish a \$300 application fee and annual lease rent of \$25/acre for water column leases. The Council approved the motion and voted all in favor of the suggested fees.

Public Comment

Kevin Boyle of Shore Thing Shellfish commented that his company is beginning to grow seed and provide spat on shell for other growers. He conveyed a bit of concern over the competition between private growers and the State run hatchery facilities in Maryland.

Mr. Webster commented that the state run hatcheries are not trying to compete, rather they are just trying to meet the demands of the industry. Several comments were made providing suggestions to Mr. Boyle on how to market his product in a means that would prevent competition with the hatcheries.

Mr. Webster commented that there was an article spotlighting Mr. Shockley's operation in the National Fisherman Magazine.

Brian Russell provided the Council a brief summary of the new Southern Maryland Oyster Growers Association. The next meeting will be on May 21st at 6 pm at Morgan State.

Adjourn

Motion (Harrell/Parks) to adjourn. Next regular meeting will be Thursday July 12, 2012, at 6:30 p.m. at the Maryland Department of Natural Resources, C-1 Conference Room.

Respectfully Submitted,

Kathryn Busch
DNR